

DECLARATION, POWER OF ATTORNEY AND PETITION

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We, Michael H. Myers, John N. Hait and Steve McDaniel, declare: that we are citizens of the United States of America; that our residence and post office addresses are 12947 Creek Park Drive, Poway, California 92064, 10776 Portobelo Drive San Diego, California 92127, and 846 South 1350 East, Provo, Utah 84606, respectively; that we verily believe we are the original, first, and co-inventors of the subject matter of the invention or discovery entitled PHOTONIC WAVELENGTH ERROR DETECTOR, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:


A. John Pate
PATE PIERCE & BAIRD
Bank One Tower
50 West Broadway, Suite 900
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Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

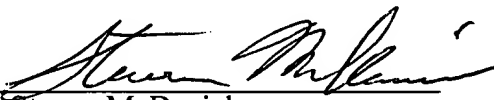
Signed at San Diego, California, this 14 day of March, 2001.

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